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[Additional Counsel on following page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SHAKARA THOMPSON and DENISE
DROESCH, individually, and on behalf of all
employees similarly situated;

Plaintiffs,

vs.

WELLS FARGO BANK, N.A., a United States
Corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 3:20-cv-06751-JSC

COLLECTIVE ACTION

Assigned to:

Hon. Jacqueline Scott Corley
Crtrm: E

**JOINT CASE MANAGEMENT
STATEMENT**

Hearing: October 21, 2021
Time: 1:30 p.m.
Crtrm: E

Complaint filed: September 29, 2020

QUINTILONE & ASSOCIATES

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The parties submit this Joint Case Management Conference Statement, in advance of the Case Management Conference for *Droesch et. al. v. Wells Fargo Bank, N.A.*, Case No. 20-cv-06751-JSC, set for **October 21, 2021 at 1:30 p.m.** by videoconference.

I. STATUS OF THE CASE

On **May 6, 2021**, the Court granted Plaintiffs' Motion to Conditional Certification, and granted Defendant's Motion to Compel Arbitration. (Dkt 42).

On **July 6, 2021**, the Court granted in part Wells Fargo's Motion for Reconsideration of the Court's May 6, 2021 Order Conditionally Certifying a FLSA Collective. (Dkt 53).

In preparation for sending notice to members of the collective class, the Court ordered that the Parties prepare a FLSA Notice and a Consent to Join form, and that the Parties meet and confer over the details of those drafts.

Upon the Parties' inability to agree on the terms of the FLSA Notice on **July 27, 2021**, the Court ordered that a Joint Case Management Statement be submitted by the Parties before the **July 29, 2021** hearing to provide details of the areas of dispute.

On **August 9, 2021**, the Court approved of the Proposed FLSA Notice and Consent Form, and ordered that a final stipulation of the Parties detailing the type and time of Notice be submitted.

On **August 12, 2021**, the Parties submitted a Joint Stipulation detailing (1) how FLSA Notice will be served; (2) how to enter claims through the static website; (3) how Consent to Join forms will be collected; (4) the timing of the Notice period; (5) how status updates on opt in plaintiffs will be provided to the Parties; (6) procedure for deficient Consent to Join forms; and details for the final list of opt in plaintiffs after the Notice period concludes.

On **September 7, 2021**, the FLSA Notice was mailed out to a collective of 7,257 putative members nationwide who had not executed arbitration agreements. The Notice Period will close on **November 6, 2021**.

II. FLSA NOTICE

As of **October 8, 2021**, 268 employees have filed consent to join forms. Currently, according to a stipulation filed by the Parties on August 12, 2021 (Dkt 62), the Consent to Join forms

will all be provided to Plaintiff's counsel ten (10) days after the close of the Notice Period (November 16, 2021). Plaintiffs anticipate filing the Consent to Join forms with the Court on that day. Currently, there is a conflict regarding the deadline to file the consent forms and the extended tolling. According to the Joint Statement in Response to the July 6, 2021 Order (Dkt 56), the Parties agreed to extend the tolling period for those who timely opt-in to the collective to the end of the Notice Period. However, a subsequent stipulation presented to the Court, the parties agreed to extend tolling until the date the Consent to Join Forms are filed with the Court.

III. DISCOVERY

Plaintiff's Position: Plaintiffs have propounded written discovery to which Defendant responded. Defendant took the depositions of Plaintiffs Thompson and Droesch. Now that the matter has been conditionally certified, Plaintiffs anticipate meeting and conferring regarding Defendant's responses as to requests pertaining to the collective and class, sending additional discovery, and conducting a 30(b)(6) depositions and named witness depositions.

Defendant's Position: Defendant anticipates serving written discovery on some or all of the opt-in Plaintiffs, as well as taking additional depositions.

IV. ANTICIPATED MOTIONS

Plaintiff's Position: In light of the Court's ruling requiring Ms. Droesch to arbitrate her claims, Plaintiff anticipates amending the complaint to substitute in a plaintiff to represent the proposed California class who did not execute arbitration agreements and to potentially add plaintiffs and claims for additional states. Plaintiff anticipates filing necessary discovery motions and/or Motions for Summary Judgement or Adjudication. Plaintiff also anticipate filing Motions to Certify Rule 23 classes.

Plaintiff's request that the Court enter a scheduling order regarding the briefing of any Motions for Class(es) Certification or Decertification with a due date of **March 31, 2022**.

Defendant's Position: In Pretrial Order 1, issued on January 8, 2021, the Court set a deadline to amend the Complaint in this matter of February 5, 2021. As such, the deadline to add a new parties to this action has long passed, and Defendant will oppose any attempt to

1 amend the Complaint. Defendant anticipates filing a motion to decertify the FLSA collective,
2 as well as motion practice regarding the remaining North Carolina state law class action.

3 **V. TIMELINE FOR CASE MANAGEMENT**

4 The Parties request that another case management conference should be scheduled 90
5 days from the **October 21, 2021** conference.

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7 DATED: October 14, 2021

MUNGER, TOLLES & OLSON LLP

8
9 By: /s/ Martin D. Bern, Esq.

10 MARTIN D. BERN

11 Attorneys for Defendant Wells Fargo Bank, N.A.

12
13 DATED: October 14, 2021

QUINTILONE & ASSOCIATES

14
15 By: 

16 JEFFREY T. GREEN

17 Attorneys for Plaintiff Shakara Thompson and
18 those similarly situated
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PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am an employee of or agent for Quintilone & Associates, whose business address is 22974 El Toro Rd., Suite 100, Lake Forest, CA 92630-4961.

On the date below I served the foregoing document(s):

JOINT CASE MANAGEMENT STATEMENT

on the following parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

_____ (**BY MAIL**) I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Lake Forest, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

_____ (**BY PERSONAL SERVICE**) I delivered each such document by hand to Brian Long, Esq.

_____ (**BY OVERNIGHT DELIVERY**) I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by Federal Express or Overnight Express. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of Quintilone & Associates' business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Federal Express or Overnight Express or delivered to a courier or driver authorized by Federal Express or Overnight Express to receive documents on the same date it is placed at Quintilone & Associates for collection.

 X (**BY E-MAIL**) I caused a true and correct copy of each document to be delivered by the Firm's and/or Court's Electronic Mail system.

_____ (**BY FACSIMILE**) By use of facsimile machine number 949.458.9679, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

Executed on **October 14, 2021**, at **Lake Forest, California**.

 X (**FEDERAL**) I declare under penalty of perjury that the above is true and correct.

_____ (**STATE**) I declare under penalty of perjury that the above is true and correct.



JEFFREY T. GREEN

SERVICE LIST

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